

Attorney Docket No.: PHNL000578

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPL. NO.: 10/043,389 ART UNIT: 2881  
APPLICANT: Jan Martijn Krans et al EXAMINER: Phillip A. Johnston  
FILING DATE: 10/26/2001  
TITLE: SEM Provided with an Adjustable Final Electrode in the Electrostatic Objective

#8  
Shang  
4-15-03

RESPONSE TO OFFICE ACTION

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Commissioner for Patents  
Washington, D.C. 20231

APR 11 2003

TECHNOLOGY CENTER 2800

Applicant responds as follows to the February 13, 2003 Office action.

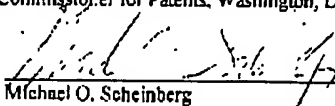
Rejection under 35 U.S.C. 103

Claims 1-9 stand rejected under 35 U.S.C. § 103 for obviousness over U.S. Pub No. 2001/0010357 to Ose et al. in view of U.S. Pat. No. 5,149,968 to Sato.

Applicant responds as follows. Ose et al. has an effective prior art date under 35 U.S.C. § 102(e) of its U.S. filing date, that is, Jan. 25, 2001. The present application claims priority under 35 U.S.C. § 119 from EP00203786.9, filed Oct 31, 2000, and therefore has an effective filing date of Oct. 31, 2000 (MPEP 602(C)), which is prior to the 102(e) date of

CERTIFICATE OF FACSIMILE

I hereby certify that this paper or fee is being transmitted via facsimile to the Commissioner for Patents, Washington, D.C. 20231. 12th day of April, 2003.

By:   
Name: Michael O. Scheinberg

Ose et al.

Thus, Ose et al. is not prior art to the present application, and applicant respectfully requests that the rejection be withdrawn.

Rejections for obviousness type double patenting

Regarding the provisional obviousness type double patenting rejections over U.S. Pub. No. 2002/0125428A1 and U.S. Pub. No. 2002/0079449, applicant expects the rejection will be withdrawn in accordance with MPEP 804I(B) when the application is otherwise found to be allowable.

Regarding the obviousness-type double patenting rejection over U.S. Pat. No. 6,184,525 (the '525 patent), applicant submits that claims 1-5 of the present invention are not obvious over the claims of '525 patent. The '525 patent describes an environmental SEM with a magnetic final lens, which is quite a different configuration from the claims of the present application.

For example, the claims of the present application recite detection means "arranged ahead of the focusing device, viewed in the propagation direction of the electrically charged particles in the primary beam." The claims of the '525 patent recite a "detection electrode for generating an electric field in the space between the detection electrode and the specimen holder." Similarly, claim 1 of the '525 patent recites magnetic immersion lens, whereas claim 1 of the present invention recites "a focusing device (14, 16) for forming a focus of the primary beam in the vicinity of the specimen holder by means of electrostatic electrode."

Regarding the obviousness type double patenting rejection over U.S. Pat. No. 6,218,664 (the '664 patent), applicant submits that claims 1-5 of the present invention are not obvious over the claims of '664 patent. The invention of the present application solves the problem of how to use voltage contrast to enhance imaging, while still efficiently collecting secondary electrons. Voltage contrast is not discussed in the '664 patent.

Claim 1 of the present application recites "power supply means (28) for adjusting a potential difference between the specimen (18) to be irradiated by means of the apparatus and the final electrode." The claims of the '664 patent do not recite a power supply for adjusting a

potential difference between the specimen to be irradiated and the final electrode. Moreover, the specification of the '664 patent indicates that the specimen 18 is grounded (col. 4, line 18) and the '664 patent does not describe adjusting the voltages of the specimen. Applicant submits therefor that claims 1-5 of the present application are not obvious over the claims of the '664 patent and respectfully requests that the rejection be withdrawn.

Respectfully submitted,

Date: 7/12/03

By: 

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April 11, 2003

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<b>APPLICANT:</b>	Jan Martijn Krans et al.	<b>EXAMINER:</b>	Phillip A. Johnston
<b>FILING DATE:</b>	10/26/2001		
<b>TITLE:</b>	SEM Provided with an Adjustable Final Electrode in the Electrostatic Objective		

In connection with the above-identified patent application, applicants submit the following:

1. Fax Cover Sheet
2. Response to Office Action

Michael O. Scheinberg  
Reg. No.: 36,919

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